

Philip Services Corporation Georgetown Facility Groundwater Contamination and a Property Located Northwest of the Facility

The Washington State Department of Ecology seeks public comment on a legal agreement with Aronson Investment Company, LLC

Proposed consent decree available for public comment

The Washington state Department of Ecology (Ecology) has negotiated an agreement with Aronson Investment Company, LLC (Aronson) for the property located at 5300 Denver Ave. S., Seattle, WA. This agreement will:

- Provide access to a portion (a strip with dimensions of approximately 50 feet by 150 feet) of the property at 5300 Denver Ave. S. for cleanup actions
- Provide consent for any future Groundwater Point of Compliance (for the Georgetown Plume Site) established per WAC 173-340-720(8)(d)
- Restrict uses of a portion of this property
- Document Ecology's agreement not to institute legal or administrative actions against Aronson regarding releases or threatened releases of hazardous substances covered under the Decree.

Ecology invites the public's comments on the legal agreement. Public comments are due by January 2, 2007. Please see page 2 for more information.

Background

Philip Services Corporation (PSC) is the owner of a closed hazardous/dangerous waste management facility at 734 S. Lucile St. in Seattle, WA. As required by the

facility's waste management permit, PSC must clean up past releases of hazardous substances. Such substances have contaminated the soil and groundwater. Contaminated groundwater from these past releases has moved off-site to the west and southwest, contaminating groundwater beneath properties such as Aronson's property at 5300 Denver Ave. S.

In January of 2004, PSC completed construction of a subsurface barrier wall that acts to contain highly contaminated groundwater in areas east of Denver Ave. S., and north of S. Lucile St. Since groundwater with significantly elevated concentrations of contaminants was present beneath not only the facility, but beneath three properties to the west of PSC, PSC requested access from the properties' owners to locate the wall on their parcels. As a result, PSC purchased one of these properties, and negotiated access agreements with the other two. One of these two was the 5300 Denver Ave. S. property owned by Aronson.

To support the access agreements, Ecology prepared draft Consent Decrees. The Decrees describe the remedial action responsibilities the property owners will be bound to. They also contain language which protects these owners from liability under the Model Toxics Control Act for environmental contamination caused by the PSC facility.

Ecology's Proposed Consent Decree

Under the proposed consent decree, PSC's cleanup responsibilities associated with releases from the Georgetown facility will not change. PSC has already implemented

December 2006

PUBLIC COMMENT PERIOD

December 1, 2006 through
January 2, 2007

SEND WRITTEN COMMENTS TO:


Ed Jones, Dept of Ecology
NWRO
3190 160th Ave. SE
Bellevue, WA 98008-5452
Email: ejon461@ecy.wa.gov

PUBLIC HEARING:
Will be held if requested by 10 or more people.

INFORMATION REPOSITORIES
You may review the draft consent decree at the following locations:

WA Department of Ecology
Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA 98008-5452
Tel: 425-649-7190
(by appointment)

Or by accessing Ecology's website:
<http://www.ecy.wa.gov/programs/hwtr/foia/index.html>

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interim measures at the site, such as the barrier wall and building-specific vapor mitigation measures. PSC has also completed a Remedial Investigation Report, and Ecology has approved the document. PSC is presently completing their Feasibility Study of final remedial measures. At the conclusion of the Study Ecology will decide which set of measures should be proposed to the public as the final site cleanup action. Ecology's *preferred final measure*, or set of measures, will then be described in a draft Cleanup Action Plan, provided to the public for comment.

This Decree would, as noted above, restrict the uses of a small, southerly portion of the Aronson property at 5300 Denver Ave. S., and allow Ecology and PSC continued access for activities related to remedial measures. It would also allow a Groundwater Point of Compliance to be established on Aronson's property (close to the wall), if such a location is determined appropriate in the final PSC-Georgetown Cleanup Action Plan. In addition, it would provide Aronson a covenant not to sue for potential liabilities under the Model Toxics Control Act, related to groundwater contamination that has migrated onto the property.

Ecology Welcomes Comments

Ecology is seeking public comment on the proposed consent decree. A public hearing may be scheduled if 10 or more people request one. Ecology will provide advance notice of any scheduled hearing date.

Additional information about this agreement can be requested by calling Ed Jones at (425) 649-4449, TTY (for the speech or hearing impaired) 711 or 800-833-6388, or by accessing Ecology's website: <http://www.ecy.wa.gov/programs/hwtr/foia/index.html>

HWTR
Department of Ecology
PO Box 47600

Send comments by **letter or e-mail (or hand delivery)** to:

Ed Jones
Department of Ecology, NWRO
3190 160th Avenue SE
Bellevue, WA 98008-5452
ejon461@ecy.wa.gov

To be considered, comments must be postmarked or received (by e-mail or via hand delivery) by January 2, 2006.

The most effective comments are those in which the commenter provides specific information describing his or her points or concerns.

Responding to Comments

Ecology will review all comments received by the close of the comment period and will make recommendations for any suggested changes to the document. If no significant changes are made, the consent decree will be considered a final document and entered into a court of law.

For more information:

If you have questions, or want to obtain documents in an alternative format, contact Ed Jones at (425) 649-4449, or, TTY (for the speech or hearing impaired) 711 or (800) 833-6388. To be on a list for future mailings regarding the consent decree or the PSC-Georgetown site, contact Ed Jones.

The ***Consent Decree*** is a legal document, approved and entered by a court, formalizing an agreement between Ecology and potentially liable persons (PLPs). Once signed, a Consent Decree relieves liability of a PLP for known contamination once the cleanup is complete.

Corrective action and remedial action are terms used to describe cleanup actions. These actions can be activities as diverse as deed restrictions or the construction of containment structures, as well as actions like excavating contaminated soils.

A ***Potentially Liable Person*** is defined as any individual(s) or company(s) potentially responsible for, or contributing to, the contamination problems at a site. Whenever possible, Ecology requires these PLPs, through administrative and legal actions, to clean up hazardous waste sites for which they may be liable.

Olympia, WA 98504-7600

We used several mailing lists. If you receive a duplicate, please pass it on.